

# Roads Act

*Publication - State Gazette No. 26/29.03.2000,*

*Last Amendment - SG No. 30/15.04.2016, in force as of 15.04.2016*

## Chapter One GENERAL PROVISIONS

### Article 1

*(Last Amendment, SG No. 39/2011)*

(1) *(Last Amendment, SG No. 39/2011)* This Act shall regulate public relations in respect to ownership, use, management, construction, repair, maintenance and funding of roads as well as the safety management of road infrastructure in the Republic of Bulgaria.

(2) This Act shall not apply to:

1. *(Last Amendment, SG No. 75/2009)* streets in towns and boroughs with the exception of any such streets that are part of the national or municipal road system;
2. agricultural roads providing access to farm land;
3. forest roads;
4. private roads that are not open to the public use.

### Article 2

(1) All roads form a consolidated road system and serve mostly for the transportation of goods and passengers.

(2) The road system shall be developed in accordance with the transportation and social needs of society, the infrastructure of towns and boroughs and the requirements under enactments pertaining to national security, the conservation of the environment, and the safety of transportation.

### Article 3

*(Last Amendment - SG No. 47/2012)*

(1) Roads shall be classified into national and local.

(2) *(Last Amendment - SG No. 47/22.06.2012)* The republican roads shall be the divided highways, speed roads and the first, second and third grade roads which provide transportation links at national level and form the state road system. Individual republican roads are included in the Transeuropean Road Network.

(3) Local roads shall be municipal and private roads that are open to the public use, provide local transportation links and are connected to the republican roads or streets.

(4) *(Last Amendment, SG No. 75/2009)* The list of the republican and municipal roads and any amendments thereof shall be approved by the Council of Ministers at the proposal of the Minister of Regional Development and Public Works after consultation with the mayors of the municipalities.

(5) The classification of the republican roads shall be carried out on terms and procedure established by the Council of Ministers.

(6) Reclassification of republican roads into municipal roads may be approved by the Council of Ministers with the approval of the municipal councils of the respective municipalities.

(7) *(New - SG No. 87/2010)* Highways are national sites. They are specially constructed and designated roads for vehicles only at high speeds and have the following characteristics:

1. have separate lanes for traffic in each direction with a dividing strip between them, as each lane has at least two traffic lanes and a special lane for emergency stopping;
2. intersection with other roads, streets, railway and tram lines is just on different levels;
3. incoming and outgoing traffic is only on certain spots;
4. have no direct connections to adjacent territories.
5. *(new - SG No. 47/2012)* have sites for short rest;
6. *(new - SG No. 47/2012)* have safety wire fence.

(8) *(New – SG No. 47/2012)* High-speed roads shall be national sites. They shall be specially built and marked for traffic only by high-speed motor vehicles and shall have the following features:

1. separate roadways for traffic in each direction with a dividing stripe between them where each roadway has at least two movement lanes;
2. the crossing with other roads, streets, railway and tram lines is only on different levels;
3. the cutting into and swerving of traffic is conducted only through road junctions at different levels;
4. the junctions to adjacent territories are through a local roadway separated by a direct track with a dividing stripe which is at least two meters wide;
5. have safety wire fence;
6. have sites for compulsory stop;
7. have sites for short rest.

(9) *(New – SG No. 47/2012)* The terms and procedure laid down in the State Property Act, the Spatial Development Act, the Forestry Act and the Agricultural Lands Protection Act shall apply to national sites as referred to in the State Property Act in terms of displacing lots of the technical infrastructure networks and facilities affected by the design and construction of highways and high-speed roads.

#### **Article 4**

*(Last Amendment, SG No. 75/2009)*

(1) *(Last Amendment, SG No. 75/2009)* Sections of republican and municipal roads falling within city limits shall have reduced links to the street network and all vehicles traveling on them shall have first right of passage at crossings.

(2) *(Last Amendment, SG No. 75/2009)* The routes of the republican and municipal roads within the street network inside cities shall be established by the general development plan.

#### **Article 5**

*(Last Amendment - SG No. 101/22.12.2015, in force as of 22.12.2015)*

(1) *(Last Amendment, SG No. 39/2011)* Roads (the road infrastructure) shall consist of the following main components:

1. *(Last Amendment, SG No. 39/2011)* scope of road;
2. road facilities;
3. road accessories.

(2) The scope of the road shall be the area on which the earth lane and dividing lines on both sides are placed plus the airspace over that area up to the height established by road design standards.

(3) The scope of the road along with the road facilities for bridging obstacles and over tunnels shall include the horizontal projection of the facility over the terrain and the curb lanes on both sides of this projection.

(4) The curb lanes described in Paragraphs 2 and 3 shall be two meters wide each.

(5) The width of the scope of the road outside city limits and inside city limits when bordering on unregulated terrains shall be established by the road design.

(6) *(Last Amendment, SG No. 75/2009)* The width of the scope of first-rate streets which are part of republican or municipal roads within city limits shall be established by detailed urban development plans.

(6a) *(Last Amendment - SG No. 101/22.12.2015, in force as of 22.12.2015)* In the building of new roads and the reconstruction of sections of existing roads, with the exception of highways and speed roads, bicycle lanes may be built. These may be built in such sections and shall be of such size as the Minister of Regional Development and Public Works may decree by a regulation. In the reconstruction of existing roads, the bicycle lanes shall be built on the stabilized curb lanes. When building new roads, bicycle lanes shall be included in the scope of the traffic lanes. Bicycle lanes shall be separated from the traffic lanes by an open curb and/or by a safety fence.

(7) *(Last Amendment, SG No. 6/2004)* All road facilities and accessories shall be contained within the scope of the road with the exception of facilities for maintaining republican roads, power delivery and lighting equipment and plots on which they are located as well as snow-barrier equipment which may be placed outside of the scope of the road.

#### **Article 6**

*(Last Amendment, SG No. 75/2009)*

(1) The national and municipal roads shall be planned with a construction restriction line drawn alongside and 50 meters away from divided highways, 25 meters alongside other republican roads and 10 meters alongside municipal roads and which shall be measured horizontally and perpendicularly in respect to the road axis from the curb of the traffic lane or the safety lane where applicable.

(2) Where the construction restriction line should happen to fall within the scope of the road, it shall be moved to the outer edge of the limitation strip.

(3) *(Last Amendment, SG No. 75/2009)* Within city limits the construction restriction line shall be established by planning and housing construction plans.

#### **Article 7**

(1) Outside of city limits, the republican roads shall be flanked by service zones.

(2) The service zone shall cover a strip of land 100 meters wide in the case of divided highways and 50 meters for all other republican roads measured horizontally and perpendicularly in respect to the road axis from the end of its scope.

(3) Along road facilities for bridging over obstacles, along especially widened road sections and along tunnels the service zone under Paragraph 2 shall be 1000 meters wide.

(4) The change of width of the service zone shall be gradual commencing 1000 meters prior to and ending 1000 meters after the section described in Paragraph 3.

### **Chapter Two**

#### **PROPERTY**

##### **Article 8**

(1) Roads shall be public and private property.

(2) The republican roads shall be the exclusive property of the state.

(3) The municipal roads shall be public municipal property.

(4) Private roads shall be the property of individual corporate bodies and natural persons.

(5) Ownership of the roads shall extend over all main components under Article 5.

### **Chapter Three**

#### **USE**

##### **Article 9**

*(Last Amendment, SG No. 39/2011)*

(1) The roads shall be open to the public for use in compliance with the Road Traffic Act.

(2) Private roads may be opened for public use when so required by public interest at the proposal of the respective municipal council and with the consent of the owner as established under a contract. This contract shall contain clauses providing for reasonable compensation and regulation of the party's obligations in respect to repair and maintenance of the road.

(3) The owners or the administration which manages the roads may impose temporary bans on the public use of certain roads or sections thereof for the duration of repair works, and in the event of natural calamities, adverse water or heat-related state of the pavement, other hazards to traffic and for the purpose of holding sports events.

(4) *(Last Amendment, SG No. 75/2009)* The Agency "Road Infrastructure" may impose restrictions on the use by the public or by special vehicles of certain roads by certain types of road vehicles for ensuring the safety of traffic.

(5) The restrictions under Paragraphs 3 and 4 may only be imposed after consultation with the bodies of the Ministry of Interior, or in the case of the widened road sections, after consultations with the Ministry of Defense.

(6) (*New, SG No. 39/2011*) The control over the traffic organization and the activities under Par. 3 shall be carried out by authorized officials of the traffic control services with the Ministry of Interior and the owner of the road (street which is part of both a Republican and municipal road) or with the administration in charge of the road according to the requirements set forth by the ordinance under Art. 3, (3) of the Road Traffic Act.

#### **Article 10**

*(Last Amendment - SG No. 101/22.12.2015, in force as of 22.12.2015)*

(1) (*Last Amendment - SG No. 101/22.12.2015, in force as of 22.12.2015*) For passage on republican roads that are included in the Trans-European Road Network as well as roads outside the latter or on their sections the Council of Ministers may levy only one of the following tolls for a certain category of vehicles:

1. Toll to use the road infrastructure - a vignette toll; the payment of the vignette toll gives the right of one road vehicle to use for a certain period the republican roads that are included in the Trans-European Road Network as well as those outside of the latter or on their sections; the vignette toll amount, including the administrative expenses for all vehicle categories are set by the Council of Ministers so that it is not higher than the maximum amounts, given in Annex No. 1.

2. (*Last Amendment - SG No. 101/22.12.2015, in force as of 22.12.2015*) Toll for the distance traveled; the payment of this toll gives the right of a road vehicle to travel the distance between two points of the respective road or road section; the toll for the distance traveled is determined on the basis of the engineering characteristics of the road or the road section, the distance, traveled, the road vehicle category and is determined for each individual road or road section.

(2) (*Last Amendment - SG No. 101/22.12.2015, in force as of 22.12.2015*) The introduction of the tolls as per Paragraph 1 for passage on republican roads that are outside the Trans-European Road Network or on their sections with a view of managing the flow of traffic on alternative (parallel) directions of the Trans-European Road Network shall not lead to discrimination with regard to international traffic and to breach of competition between individual carriers.

(3) The list of roads for the passage of road vehicles with Bulgarian or foreign registration on which there can be collected tolls for the use of the road infrastructure - vignette toll or a toll for the distance traveled is adopted with a Decision of the Council of Ministers. The list is promulgated in *the State Gazette*.

(4) For the use of individual facilities on republican roads as per Paragraph 1 - bridges, tunnels and/or mountain passes, given in a list adopted with a Decision of the Council of Ministers and promulgated in *the State Gazette* there may be introduced a toll for the use of the respective facility and/or passage. This toll shall not be introduced for roads where a toll is collected as per Paragraph 1, item 2.

(5) Separate tolls shall be collected for special use of the republican roads or of their parts.

(6) (*Last Amendment, SG No. 75/2009*) The toll amount as per Paragraph 1, 4 and 5 is set by the Council of Ministers in a tariff and the terms and procedure for their collection - with an Ordinance of the Council of Ministers upon a proposal by the Minister of Finance and the Minister of Regional Development and Public Works.

(7) (*New - SG No. 101/22.12.2015, in force as of 22.12.2015*) The terms, procedure and rules for setting up and functioning of a distance travel charging combined system- TOLL for heavy goods vehicles and electronic vignette for light vehicles are specified with an ordinance issued by the Council of Ministers in accordance with Directive 1999/62 EC of the European Parliament and of the Council of 17 June 1999 on the charging of heavy goods vehicles for the use of certain infrastructures and Directive/2004/52/EC of the European Parliament and of the Council of 29 April 2004 on the interoperability of electronic road toll systems in the Community.

#### **Article 10a**

*(Last Amendment - SG No. 101/22.12.2015, in force as of 22.12.2015)*

(1) *(Repeal, SG No. 43/2008)*

(2) The vignette tolls shall be differentiated depending on the type of the road vehicle for which they are used and the period of time for which the vignette toll has been paid.

(3) Depending on validity, vignette tolls shall be valid for one year, one month, one week, or one day.

(4) *(Last Amendment - SG No. 101/22.12.2015, in force as of 22.12.2015)* The vignette toll shall be paid by the owner or user of the respective road vehicle after declaring its registration number.

(5) *(Last Amendment, SG No. 39/2011)* When vignette toll is paid, a security, called "vignette", shall be issued certifying the right to use the republican roads, whereby:

1. the vignette shall consist of two parts; the first part shall be designed to be glued onto the internal surface at the bottom right corner of the road vehicle's windshield and shall be secured against forgery by protective marks; it shall also serve to certify the payment of the vignette toll before the controlling authorities; the second part in the form of a card shall be kept by the driver of the road vehicle and shall serve as proof of payment for the vignette toll when a free vignette sticker shall be issued in cases of breaking or theft of the vehicle windshield or if the vignette sticker has a manufacturing defect.

2. the road vehicle owner or user shall have the right to use the republican roads of Republic of Bulgaria by traveling these roads or parts thereof with the road vehicle only when the vignette toll for the respective period and vehicle category has been paid, and there is a valid vignette sticker glued to the lower right corner of the road vehicle windshield;

3. if the glued part of the annual vignette sticker has been destroyed due to manufacturing defect of the vignette or theft of the windshield, upon presenting the second part of the annual vignette, a free annual vignette sticker shall be issued with term of validity equal to the term of validity of the initially issued vignette sticker;

4. *(Last Amendment - SG No. 14/20.02.2015)* the breaking or the theft of the windshield shall be certified respectively by an administrative letter or a statement of findings by National Police Directorate General, and the manufacturing defect of the vignette shall be certified by inspection carried out by officials from the respective district road agency of the Agency "Road Infrastructure".

5. a free annual vignette sticker shall be issued to the road vehicle owner or user after presenting before the respective district road agency a free vignette application with attached copy of the vehicle ownership or usage document, the statement establishing the breaking, theft, or manufacturing defect, the second part of the annual vignette sticker, and the part, which was glued to the broken windshield, or the part with the manufacturing defect; in case of windshield theft, presenting the first part of the vignette sticker is not required.

(6) *(Last Amendment - SG No. 101/22.12.2015, in force as of 22.12.2015)* The toll under Art. 10 (1) shall be due for the following kinds of road vehicles:

1. motor vehicles with at least two axles which are designed for the transportation of passengers, motor vehicles designed for the transportation of goods which have at least two axles, as well as all-terrain vehicles.

2. motor vehicles with at least two axles structurally designed to pull, push, carry, or put into motion various kinds of tools, attachments, machines, or trailers, which shall include tractors which may be equipped for the transportation of goods (self-propelled chassis) and equipment, as well as trailers;

3. specialized construction machinery, motor cranes, specialized trailers for carrying heavy or oversize loads, as well as other special motor vehicles with the exception of city electric buses;

4. wheel tractors and other self-propelled machinery which is subject to registration for operation on roads;

5. specialized vehicles and construction machinery which are generally designed to operate outside the national road network, including vehicles used in mining, for the time during which they travel on the republican roads using their own propulsion and if they meet the technical requirements and conditions for safety of traffic.

(7) The road vehicles described in Paragraph 6 shall be divided into the following classes::

1. *(Last Amendment, SG No. 43/2008)* Road vehicles as per Paragraph 6, item 1 designed to transport goods as well as vehicles as per Paragraph 6, items 2, 3, 4 and 5 with 2 (two) and more axles with technologically allowable maximum mass of 12 (twelve) and more tons.

2. *(Last Amendment, SG No. 43/2008)* Road vehicles designed to transport passengers with more than eight (8) seats apart from the driver's seat as well as road vehicles designed to transport goods with two (2) axles as well as road vehicles as per Paragraph 6, items 3, 4, and 5 with two (2) axles and/or with maximum allowable mass of less than 12 (twelve) tons.

3. *(Last Amendment, SG No. 105/2006)* road vehicles designed for the transportation of passengers with no more than eight (8) seats, road vehicles designed for the transportation of loads and/or road vehicles designed for the transportation of passengers and loads with a technically admissible maximum mass of up to 3,5 tones as well as the all-terrain vehicles from this group.

(8) The vignette toll shall be determined separately for each vehicle. The vignette which has been issued upon payment of the vignette toll shall remain attached to the vehicle even if ownership of that vehicle changes and shall retain its original validity.

(9) *(New, SG No. 43/2008)* When a road vehicle from the category as per Paragraph 7, item 3 tows one or more trailers with technologically allowable total maximum mass of over 3.5 tons for one trailer or in total for the trailer composition a vignette toll is paid for the composition as for a road vehicle as per Paragraph 7, item 2.

(10) *(New, SG No. 43/2008)* In order to decrease the noxious effect of the road vehicles on the environment, in determining the toll amount in the tariff as per Article 10, Paragraph 6, the Council of Ministers sets lower tolls for road vehicles as per Paragraph 7, items 1 and 2 that meet the requirements of ecologic categories "EURO III", "EURO IV", "EURO V", "EEV" and higher.

(11) *(New, SG No. 43/2008)* The road vehicles as per Article 10a, Paragraph 7, items 1 and 2 that meet the requirements of ecologic categories "EURO 0", "EURO I", "EURO II" as well as the road vehicles for which proof cannot be given for an ecologic category as per paragraph 10 pay the total amount of the tolls as per Article 10, Paragraph 6.

(12) *(Last Amendment, SG No. 39/2011)* The right to pay the lower toll in accordance with Paragraph 10 for road vehicles as per Paragraph 7, items 1 and 2 that meet the requirements of categories "EURO III", "EURO IV", "EURO V", "EEV" and higher is established with an original or a certified copy by the notary of the registration certificate of the road vehicle, Part I when in item V9 there is written in words "EURO/EURO III, IV, V", or "EEV" and/or with a conformity certificate as per Resolution CEMT/CM(2001) 9 Final, Resolution CEMT/CM(2005) 9 Final, Resolution ITF/TMB/TR (2008)12 and a valid certificate for perfect working order. For all road vehicles with initial registration date after September 30, 2001 under the condition that the category of the road vehicle EURO has not been entered in the registration certificate and it has no valid conformity certificate, it is assumed that they meet the requirements of at least the category "EURO III" and can avail themselves of the right to pay the lower toll as per Paragraph 10.

(13) *(New, SG No. 39/2011)* The Chairman of the Managing Board of the Road Infrastructure Agency shall approve by order the graphic design of the different groups and types of vignettes. The order for the graphic design of the different groups and types of vignettes shall be published in the „State Gazette" not later than 30th of November of the preceding year.

#### **Article 10b**

*(Last Amendment - SG No. 61/11.08.2015, in force as of 01.11.2015)*

Vehicles owned by the Ministry of Interior, National Security Service, State Agency "National Security", Urgent Medical Aid and the Armed Forces are not subject to taxation for republican road traffic under Paragraph 10.

#### **Article 10c**

*Last Amendment, SG No. 99/2011, in force as of 01.01.2012*

(1) *(Last Amendment, SG No. 41/2009, in force as of 01.07.2009)* Individuals with a disability of 50 and more percent or type and stage of injury shall be exempt from vignette tolls for one automobile, which is the property or joint matrimonial property of that person, with engine capacity up to 2000 cubic centimeters and power up to 117.64 kW (160 h. p.) under a procedure set with an Ordinance of the Minister of Transport, Information Technology and Communications and the Minister of Labor and Social Policy.

(2) *(New, SG No. 39/2011)* Under the conditions set forth in Par. 1 the persons or families raising children with permanent disabilities shall be exempted from vignette taxes until they reach the age of eighteen and finish their secondary education but not later than the age of twenty.

(3) *(Repeal - SG No. 99/2011, in force as of 01.01.2012)*

#### **Article 10d**

*(Last Amendment - SG No. 101/22.12.2015, in force as of 22.12.2015)*

Foreign-registered road vehicles shall not be subject to the toll under Art. 10 (1) if this is provided for under an international agreement or a convention to which the Republic of Bulgaria is a party.

#### **Article 10e**

*(Last Amendment - SG No. 101/22.12.2015, in force as of 22.12.2015)*

For wheel tractors, tractor trailers, and other self-propelled equipment, registered for operation under the Agricultural and Forestry Machines and Equipment Registration and Control Act, no toll under Art. 10 (1) shall be paid.

#### **Article 10f**

*(Last Amendment - SG No. 101/22.12.2015, in force as of 22.12.2015)*

(1) *(Last Amendment, SG No. 75/2009)* The control at the border check points regarding the implementation of the obligation for the road vehicles of Bulgarian and of foreign registration to pay the tolls as per Article 10 is carried out by officials from the Customs Agency.

(2) *(Last Amendment - SG No. 101/22.12.2015, in force as of 22.12.2015)* A road vehicle that has arrived at a border check point in the direction for leaving the territory of the Republic of Bulgaria and is not in possession of a valid document for paid toll may leave the country only upon payment of the toll for the respective category as per Article 10a, Paragraph 7 in the specialized unit of the Customs Agency at the respective border check point.

#### **Article 10g.**

*(Last Amendment - SG No. 101/22.12.2015, in force as of 22.12.2015)*

For road vehicle used for combined transportation pursuant to Art. 56 of the Railroad Transportation Act no respective toll under Art. 10 (1) shall be paid for its moving from the border to the nearest intermodal terminal and back, in case a certificate for internal combined transportation within the territory of Bulgaria has been issued for the particular transportation pursuant to a form approved by the Minister of Transport, Information Technology and Communications.

#### **Article 10h.**

*(New - SG No. 101/22.12.2015, in force as of 22.12.2015)*

(1) The national system for collection of road infrastructure use charges also includes the European Electronic Toll Service (EETS).

(2) The EETS providers established in the Republic of Bulgaria are entitled the right to provide EETS after they have been registered in an EETS providers national register maintained by Road Infrastructure Agency, and after they have concluded a contract with the person collecting the toll tax.

(3) The disputes between the person collecting the toll tax for the road infrastructure use in the Republic of Bulgaria and the persons using the road infrastructure are examined under the procedure of the Customer Protection Act.

(4) The disputes between the person collecting the toll tax for use of the road infrastructure of the Republic of Bulgaria and the EETS providers who have concluded contracts or are in contractual relationships with this person, are examined by the Conciliation Committee at the Ministry of Regional Development and Public Works. The members, the functions and the activities of the commission are specified in a regulation, approved by the Minister of the Regional Development and Public Works or an official authorised by him/her.

(5) Upon examination of disputes, the Conciliation Committee is entitled the right to perform inspection whether the contractual conditions, imposed by the person collecting the toll tax, with reference to the respective EETS providers are non- discriminatory and accurately indicate the expenditures and the risks of the parties to the contract.

(6) The EETS activity principles, the technical requirements for interoperability of EETS, the creation and maintenance of a national register of the EETS regions and an EETS providers national register are set with the ordinance under art. 10, para.7.

#### **Article 11**

*(Last Amendment, SG No. 36/2006, SG No. 43/2008)*

(1) Concessions in regard to republican and municipal roads or in regard to individual sections or road facilities thereof shall be granted under the terms and procedure of the Concessions Act.

(2) The terms and procedures under which the concessioner may collect the concession toll and/or to receive other payments including such on part of the concedent are set with the decision to start the procedure for the granting of the concession.

#### **Article 12**

*(Repeal, SG No. 36/2006)*

#### **Article 13**

*(Repeal, SG No. 36/2006)*

#### **Article 14**

(1) *(Last Amendment, SG No. 36/2006)* The territory of the concession shall encompass a specific national road or a section thereof and the corresponding areas under Article 5.

(2) Where a concession is granted in respect to a divided highway, the concession territory shall include any areas necessary for the construction of service areas as specified in the technical documentation of the road construction project.

(3) *(New, SG No. 6/2004)* The object of the concession shall be determined pursuant to an approved design under Article 126, Paragraph 6 of the Regulation of Territory Act.

#### **Article 15**

*(Repeal, SG No. 36/2006)*

#### **Article 16**

*(Repeal, SG No. 36/2006)*

#### **Article 17**

*(Repeal, SG No. 36/2006)*

#### **Article 18**

(1) The special use of roads shall be subject to authorization by the owner or the authority managing the road.



(2) Natural persons and corporate bodies shall be required to pay fees for special use of the roads unless provided for otherwise in an international instrument to which the Republic of Bulgaria is a party.

(3) The amounts of the fees collected under Paragraph 2 shall be established by:

1. the Council of Ministers, for the Republican roads;
2. the municipal councils, for the municipal roads;
3. the owners, for the private roads.

(4) Persons who have been granted authorization for special use shall restore any damage caused by them to the roads or shall reimburse the administration managing the road for any such repairs.

(5) Special use of the roads shall be permitted on terms established by a regulation issued by the Council of Ministers.

## **Chapter Four MANAGEMENT**

### **Article 19**

*(Last Amendment - SG No. 101/22.12.2015, in force as of 22.12.2015)*

(1) Roads shall be managed as follows:

1. *(Last Amendment - SG No. 101/22.12.2015, in force as of 22.12.2015)* Republican roads: by the National Agency "Road Infrastructure";
2. municipal roads: by the mayors of the respective municipalities;
3. private roads: by their owners.

(2) *(New, SG No. 69/2008)* Road management includes:

1. Operative planning of construction – design and building and road maintenance.
2. Providing for designs and building of roads. Including public procurement assignments and granting of concessions for these activities.
3. The organization, assignment, financing and control of the activities directly linked to the design, construction, management, repair and maintenance of the roads.
4. Organizing and providing for the protection of roads, including road facilities and road accessories
5. Ensuring public use of the roads by means of regulation and control of automobile traffic, granting of permits and introducing bans for the use of roads.
6. Implementation of control of vehicles with a view of correct road operation and prevention of their destruction.
7. Provision of information and of forecasts for road traffic.
8. Other activities set by this Act and the Regulation on the Implementation of the Act that are not related to use and disposition.

(3) *(Last Amendment - SG No. 101/22.12.2015, in force as of 22.12.2015)* Municipalities and owners of private roads shall coordinate all designs for construction and linking of their roads to the Republican roads with the National Agency "Road Infrastructure".

### **Article 19a**

*(New, SG No. 69/2008)*

(1) The Council of Ministers sets the state policy for planning, construction, management and maintenance of the road infrastructure in the Republic of Bulgaria.

(2) In order to implement the state policy as per Paragraph 1, the Council of Ministers:

1. Adopts:
  - a) A strategy of road infrastructure development.
  - b) A medium term operative program for implementing the strategy
2. Grants concessions for the republican roads and road facilities that are state property (bridges and tunnels).

### **Article 20**

*(Last Amendment - SG No. 37/22.05.2015)*

(1) The Minister of Transport, Informational Technology and Communications and the Minister of Regional Development and Public Works:

1. *(Last Amendment, SG No. 39/2011)* Implement the national policy for development and safety management of road infrastructure;
2. propose to the Council of Ministers a strategy for development of the road infrastructure and medium-term program for its performance;
3. introduce into the Council of Ministers draft laws and subdelegated legislation governing the use and management of roads according to their competence.

(2) The Minister of Transport, Communications and Informational Technology maintains and develops international initiatives and concludes international agreements for the construction of sections of the trans-European road network in the country, including cross-border road links.

(3) The Minister of Regional Development and Public Works maintains and develops international initiatives, concludes and ensure the implementation of international treaties in the field of management, planning, construction and maintenance of republican roads.

(4) *(New, SG, No. 55/2011)* The Minister of Regional Development and Public Works and the Minister of Transport, Informational Technology and Communications have the responsibility for development of a project on strategy for development of the road infrastructure in compliance with the state policy.

(5) *(Last Amendment - SG No. 37/22.05.2015)* The managers of the authorities responsible for the operative programs may sign agreements with the Chairperson of the Management Board of the Road Infrastructure Agency for implementation of projects financed by the European Union.

## **Article 21**

*(Last Amendment - SG No. 101/22.12.2015, in force as of 22.12.2015)*

(1) *(Last Amendment, SG No. 75/2009)* The National Agency "Road Infrastructure" to the Council of Ministers is converted to an Agency "Road Infrastructure" to the Minister of Regional Development and Public Works.

(2) *(Last Amendment - SG No. 101/22.12.2015, in force as of 22.12.2015)* The Agency "Road Infrastructure", called further on "the Agency" is a legal entity, budget funded to the Minister of Regional Development and Public Works, with headquarters in Sofia and specialized units: regional travel offices and Institute of Roads and Bridges.

(3) The Agency shall:

1. *(Last Amendment, SG No. 55/2011)* Assist the Minister of Regional Development and Public Works in the development of a project on strategy for development of the road infrastructure in compliance with the state policy;
2. Implement republican road management in line with medium term operative programs;
3. Study, analyze and forecast the development of road traffic on republican roads;
4. Realize projects financed through the Transport and regional Development Operative Programs;
5. *(Last Amendment, SG No. 39/2011)* Organize the carrying out of public procurements for the design, road safety impact assessments and road safety audits, building, repair and maintenance of Republican roads as well as for applied scientific studies and consultations, related to road management;
6. Organize the preparatory activities, the carrying out of the procedures, the conclusion of concession contracts and the control of their implementation for the republican roads;
7. *(Repeal, SG No. 39/2011);*
8. Coordinate investment projects related to road management as well for the construction of road links with the republican roads and also projects that require moving the road, or in view of their realization the latter require supplementary measures for ensuring the safety of traffic on the republican roads;

9. *(Last Amendment, SG No. 39/2011)* Prepare a list as well as changes of republican roads;
  10. Issue authorizations for special use of the republican roads;
  11. Organize or control the collection of vignette tolls, tolls and other charges provided for in this Act;
  12. *(Repeal, SG No. 75/2009)*;
  13. *(Repeal, SG No. 75/2009)*;
  14. *(Last Amendment, SG No. 75/2009)* Interact with the agencies of the Ministry of Interior, other competent authorities and the Bulgarian Army to ensure road traffic in cases of natural calamities, large scale industrial accidents and state of war;
  15. Implement the functions of a state road administration, represent the country in international road organizations and participate in the development and implementation of international agreements regarding the construction, maintenance and use of roads;
  16. Issue documents within the frameworks of its competence;
  17. *(New, SG No. 39/2011)* Organize the planning and assignment of road safety impact assessments and road safety audits at the relevant stage of the planning, investment design, putting into test operation and initial operation of roads in the cases provided for by this Act;
  18. *(New, SG No. 39/2011)* Approve road safety plans and road safety audit reports and adopt decisions related to each road infrastructure in particular;
  19. *(New, SG No. 39/2011)* Carry out periodic inspections on the road infrastructure safety in order to check up all characteristics related to road safety and establish existing inconsistencies thereto which require adoption of measures for prevention of traffic accidents on the Republican road network in the cases provided for by this Act.
- (4)*(New, SG No. 75/2009)* The Minister of Regional Development and Public Works supervises the activities of the agency, such as:
1. approve its budget;
  2. approves the report of implementation of the budget of the agency;
  3. exercise control over the implementation of the budget of the agency within his competence;
  4. adopts the annual report of activity of the Agency;
  5. *(New, SG No. 55/2011)* approves the three-year program of the Agency on road management and road infrastructure development in compliance with the strategy for development of the road infrastructure adopted by the Council of Ministers, and one-year plan for implementation of the program by the Agency and controls their implementation;
  6. *(Former Item 5, SG No. 55/2011)* performs other control functions within his powers as provided in a normative legal act.

#### **Article 21a**

*(Last Amendment, SG No. 75/2009)*

- (1) The Agency is managed by a managing committee.
- (2) The Board of managers consists of a chairman and two members who are with the proper qualification and professional experience in management, planning, construction and maintenance of road infrastructure or in the management of public and corporate structures.
- (3) The Agency is represented by the chairman of the Board.
- (4) Contracts with the Chairman and members of the board are concluded, amended and terminated by the Minister of Regional Development and Public Works.

#### **Article 21b**

*(Last Amendment, SG No. 75/2009)*

- (1) A president and member of the board of managers cannot be a person who:
  1. is under judicial disability;
  2. has been convicted of a crime of general nature of imprisonment;
  3. occupies a job position or performs an activity in compliance with Article 19, Paragraph (6) of the Administration Act;

4. is a related party under the Commerce Act to a trader or a partner or a shareholder in a merchant entity, who participates in public procurement and concessions held by the agency;

5. occupies a managerial or a supervisory post in a political party;

6. has been deprived of the right to perform commercial activities;

7. is not a Bulgarian citizen, a citizen of another state - member of the European Union, another country - party to the European Economic Area or to the Swiss Confederation.

(2) The chairman and members of the board of managers submit a declaration for lack of the circumstances under Paragraph (1) when assuming office and currently every 6 months. Within three days of the change of declared circumstances, the person submits a declaration about it.

(3) By circumstances, which are incompatible with the requirements for assuming office under Paragraph (1), the contract with the respective person is terminated.

#### **Article 21c**

*(Last Amendment - SG No. 101/22.12.2015, in force as of 22.12.2015)*

(1) The Board of Managers take decisions on:

1. organizing the allocation and expenditure of funds for implementation of the activities regarding the planning, construction, management and maintenance of republican roads;

2. adoption the draft budget of the Agency;

3. making disposition transactions and rental of properties and property, which are state property provided for the management of the agency;

4. proposals to the Minister of Regional Development and Public Works for making changes in the list of republican roads;

5. proposals for draft normative regulations for the governing of management, design, construction and maintenance of roads;

6. approval of technical specifications, technical guidance and methodological documents concerning the construction, management, operation and maintenance of roads;

7. procurement of design, construction, repair and maintenance of republican roads, as well as for project management, scientific applied research and consulting related to management of roads;

8. preparing draft decisions for the opening of procedures for granting a concession , a justification, a notice, documentation of participation and concession contracts for concessions to the republican roads;

9. preparation, adoption and provision to the Minister of Regional Development and Public Works annually by 31 March of the annual report of the Agency for the previous year;

10. *(Last Amendment - SG No. 101/22.12.2015, in force as of 22.12.2015)* preparation, adoption and submission for approval before the Minister of Regional Development and Public Works of a project for the three-year program of the Agency on road management and road infrastructure development, in compliance with the strategy for development of the road infrastructure adopted by the Council of Ministers, and one-year plan for implementation of the program by the Agency; the program and the plan must be submitted for approval by the Minister not later than 31 January for the forthcoming three-year period, or for the forthcoming year respectively.

(2) The Board of Managers take decisions and other related to the operational guidance and activity of the Agency.

(3) The Board of Managers take decisions by majority vote of its members.

(4) Rules of regulations of the Board of Managers approved by the Minister of Regional Development and Public Works on the proposal of the Board of Managers.

#### **Article 21d**

*(Last Amendment, SG No. 75/2009)*

The chairman of the Board of Managers of the Agency:

1.organizes the activity of the Agency;

2. appoints and dismisses the employees of the Agency;
3. concludes contracts or public orders on the design, construction, repair and maintenance of republican roads, as well as for project management, scientific applied research and consulting related to management of the road, following a decision of the Board;
4. signs concession contracts for republican roads and is the concessionary on them, including when monitor the implementation of concession contracts;
5. concludes other contracts and agreements necessary for activity of the Agency;
6. organizes and implements the decisions of the Board of Managers;
7. takes decisions on other matters provided in the normative act, which are not within the exclusive jurisdiction of the Board.

#### **Article 21e**

*(Last Amendment, SG No. 38/2012, in force as of 01.07.2012)*

- (1) *(Last Amendment, SG No. 38/2012, in force as of 01.07.2012)* The Agency shall apply the Administration Act as far as this Act does not provide otherwise.
- (2) *(Last Amendment, SG No. 38/2012, in force as of 01.07.2012)* The legal relations between the employees and the Agency shall be regulated under the terms and procedure of the Civil Employees Act and the Labor Code. Article 107a of the Labor Code shall apply to all employees working under an employment contract.
- (3) *(Last Amendment, SG No. 75/2009)* The structure, the activity and the organization of work in the Agency and of the administration of the latter are governed by regulations adopted by the Council of Ministers upon a proposal by Minister of Regional Development and Public Works.

#### **Article 21f**

*(Last Amendment, SG No. 75/2009)*

- (1) *(Last Amendment, SG No. 75/2009)* The Expert Council on Technology and Economy shall be an auxiliary body of the Agency. The latter shall review, adopt and propose for approval by the Managing Board designs and projects for construction, repair and maintenance of the republican roads.
- (2) *(Last Amendment, SG No. 75/2009)* The Expert Council on Technology and Economy shall exercise the functions of a joint governmental-public authority in the field of roads in all cases specified in a decision by the Managing Board of the Agency.

#### **Article 22**

*(Last Amendment, SG No. 38/2012, in force as of 01.07.2012)*

- (1) *(Last Amendment, SG No. 75/2009)* The Agency shall operate through central administration and specialized units as per Article 21, Paragraph (2).
- (2) *(New – SG No. 38/2012, in force as of 01.07.2012)* The activity of the central administration and the administration of the district road agencies shall be carried out by civil servants and people working under an employment contract.
- (3) *(Former Par. (2) – SG No. 38/2012, in force as of 01.07.2012)* The chief executives of the units described in Paragraph 1 or persons duly authorized by them shall represent the Agency in the respective areas of competence of the said units.
- (4) *(Former Par. (3) – SG No. 38/2012, in force as of 01.07.2012)* The chief executives of the units described in Paragraph 1 or persons duly authorized by them shall represent the Agency in any court actions that may arise out of legal relationships in the course of their operation.

#### **Article 23**

The powers of mayors in respect to municipal roads shall be established by regulations issued by the municipal councils.

#### **Article 24**

*(Last Amendment, SG No. 75/2009)*

- 1) *(Last Amendment, SG No. 75/2009)* The Managing Board of the Agency upon its own decision may lease out property and things – state property that are submitted to the

Agency for management by tender or competition on terms and procedures established by the Council of Ministers.

(2) Premises and land within the boundaries of support structures may be leased for use by employees of the roads authorities under special conditions established in the regulation on the implementation of this Act.

### **Article 25**

*(Last Amendment - SG No. 101/22.12.2015, in force as of 22.12.2015)*

(1) *(Last Amendment, SG No. 88/2000)* No construction, improvement or expansion of already existing facilities shall be permitted in the area from the road axis to the construction restriction line except of such facilities as may be used for serving motorists and subject to ensuring the safety of traffic and have been authorized as required under Article 26.

(2) Within the scope of the road there shall be prohibited:

1. to carry out any kind of work whatsoever inside the road lanes without placing appropriate warning signs and signals;
2. to place and store any materials that are not needed for the operation of the road or are the result of domestic or economic activity in neighboring properties;
3. the passage of chain tractors and machines and vehicles with steel thread as well as the use of tires with metal pins on asphalt surfaces, except for snow removal;
4. to transport wet leaking cargo;
5. to enter roads with soiled equipment and the soiling of lanes, road equipment and road accessories with earth and wastes;
6. towing of timber, hay and similar materials in the travel lanes.
7. *(New, SG No. 43/2008)* to use the road facilities and the road accessories for advertising activities under any form whatsoever.

(3) *(New, SG No. 43/2008)* The construction of roadside retail outlets and of road links to the latter in front of tunnel entrances at a minimum distance of 300 m before the zone of the warning vertical signaling as well as the construction of advertising facilities ahead of tunnel entrances at a minimum distance of 300 m before the zone of the warning vertical signaling above and around the tunnel portal.

(4) *(Repeal - SG No. 47/2012)*

(5) *(Last Amendment - SG No. 101/22.12.2015, in force as of 22.12.2015)* Only the construction and exploitation of off road servicing complexes and road junctions thereto shall be allowed within the range and servicing area of highways and high-speed roads. The distances for the construction of such equipment are specified in the ordinance under art. 18, para. 5.

(6) *(New - SG No. 101/22.12.2015, in force as of 22.12.2015)* In order to prevent the risk of falling trees which may endanger the security of the republican roads traffic and the human health, the management board of Road Infrastructure Agency, acting on a decision adopted by it, may allow the trees removal from the areas within the scope of the road and the restrictive construction line. The Executive Forestry Agency is notified about the decision.

### **Article 26**

*(Last Amendment - SG No. 30/15.04.2016, in force as of 15.04.2016)*

(1) *(Last Amendment, SG No. 6/2004)* For activities outside of the special use of the roads, the following activities shall be prohibited:

1. within the scope of the road:
  - a) planting or cutting down or uprooting trees and brush;
  - b) mowing grass, grazing cattle and picking fruit;
  - c) placing traffic signs;
  - d) placing commemorative plaques and signs;
2. within the scope of the road and the service areas:
  - a) erecting buildings and equipment, and the reconstruction of such facilities;
  - b) producing quarry and other building materials;

c) (*Last Amendment, SG No. 19/2011, in force as of 09.04.2011*) building road links to adjacent properties, including agricultural lands and forest territories.

(2) (*Last Amendment, SG No. 6/2004*) For activities that are part of the special use of roads the following activities shall be prohibited without special permission:

1. within the scope of the road and the restriction building line:

a) operating heavy or oversize vehicles;;

b) erecting advertising facilities;

c) using advertising facilities;

d) building new or reconstructing existing underground or above-the-ground lines or stand-alone pieces of technical infrastructure equipment;

e) using underground or above-the-ground lines or stand-alone pieces of technical infrastructure equipment;

f) temporary use of parts of the road lane or land within the scope of the road;

2. within the scope of the road and the service zones:

a) construction of roadside retail outlets, including roadside assistance depots and road links to them;

b) use of roadside retail outlets, including roadside assistance depots and road links to them;

(3) (*Last Amendment, SG No. 75/2009*) The licenses under Paragraphs 1 and 2 shall be issued by the Managing Board of the Agency or by a person from the Agency duly authorized thereby for the republican roads and by the mayors of the municipalities for the municipal roads under their jurisdiction, as follows:

1. within 15 days of submission of the application: for licenses under Paragraph 1, unless additional research of the matter is needed, but no later than within one month;

2. within 30 days of submission of the application: for licenses under Paragraph 2, items 1, sub-item "d" and item 2, sub item "a" unless additional research is needed, but no later than within three months; the interested party shall be informed in writing about the extension of the deadline;

3. within 15 days of submission of the application in all other cases.

(4) (*Repeal - SG No. 101/22.12.2015, in force as of 22.12.2015*)

(5) (*Last Amendment - SG No. 30/15.04.2016, in force as of 15.04.2016*) Upon sudden damage of subterranean or above-ground equipment of the technical infrastructure within the scope of the road or in the servicing zones, their owner may commence the recovery activities after the permission of the management board of Road Infrastructure Agency- with reference to the republican roads, or by the Mayor of the municipality- with reference to the municipal roads, under the condition that the traffic safety is guaranteed.

(6) (*Last Amendment - SG No. 101/22.12.2015, in force as of 22.12.2015*) The Managing Board of the Agency shall coordinate projects (road section for construction of road links) after he has received a written opinion on a proposed plan.

(7) Licenses shall be issued subject to the following terms:

1. it should actually be possible for the heavy and/or oversize vehicle to travel on the road;

2. the requirements contained in the Road Traffic Act, in this Act, and all applicable road design standards shall be observed;

3. in the case of temporary use of parts of the traffic lanes:

a) if this Act and the Road Traffic Act do not prohibit the activities involved in the temporary use of part of the traffic lanes;

b) if an approved design for arranging a road crossing is made available in the cases of creating a temporary road crossing;

4. (*New - SG No.16/2014*) a declaration containing information on the dimensions, axle load and weight must be submitted by the owner or the user of the vehicle under pt. 1, or by the person conducting the transportation.

(8) Licenses shall be valid as follows:

1. for transportation of heavy and oversized loads: 30 days;

2. *(Last Amendment - SG No. 101/22.12.2015, in force as of 22.12.2015)* for carrying out construction work: two years;
3. for temporary use of part of the traffic lanes and for the other special uses of the roads: at the discretion of the licensing authorities that would take into account the request by the applicant;
4. *(New – SG No. 47/2012)* upon exploitation of advertising facilities issued according to the terms and procedure of the ordinance under Art. 18 Par. 5 – ten years.
- (9) *(Last Amendment - SG No. 47/2012)* The permissions shall be taken away in case of non-compliance with the terms laid down therein and/or non-compliance with the requirements for carrying out of the relevant activity laid down in the ordinance under Art. 18 Par. 5.
- (10) *(Last Amendment, SG No. 30/2006)* Appeals of license revocations and refusals to grant such licenses shall be made under the Administrative Procedure Code.
- (11) The Council of Ministers shall establish a tariff of fees that shall be collected for the issuing of the decisions under Paragraphs 1 and 2.

#### **Article 27**

*(Last Amendment, SG No. 75/2009)*

- (1) *(Last Amendment, SG No. 75/2009)* Agency "Road Infrastructure" examines the volume of traffic and controls the weight, axle load and overall dimensions of road vehicles through the deployment at specific locations of equipment to record these features in order for the proper operation of the roads and protect them from destruction by collecting charges when the limit values are exceeded.
- (2) *(Repeal, SG No. 75/2009, new, SG No. 82/2009, in force as of 16.10.2009)* At the Border stations weight, axle load and overall dimensions of vehicles are controlled by officials of the Customs Agency, while in the case of excess of the values admissible there are collected fees
- (3) *(Last Amendment, SG No. 75/2009)* The Designated by the Minister of Home Affairs offices to check compliance with traffic rules of the road are obliged to provide assistance to the Agency "Road Infrastructure" in performing checks in compliance with Paragraph 1.

#### **Article 28**

*(Repeal, SG No. 88/2000)*

#### **Chapter Four "a"**

#### **NATIONAL COMPANY "STRATEGIC INFRASTRUCTURE PROJECTS"**

*(Repeal - SG No. 30/15.04.2016, in force as of 15.04.2016)*

#### **Article 28a**

*(Repeal - SG No. 30/15.04.2016, in force as of 15.04.2016)*

#### **Article 28b**

*(Repeal - SG No. 30/15.04.2016, in force as of 15.04.2016)*

#### **Article 28c**

*(Repeal - SG No. 30/15.04.2016, in force as of 15.04.2016)*

#### **Article 28d**

*(Repeal - SG No. 30/15.04.2016, in force as of 15.04.2016)*

#### **Article 28e**

*(Repeal - SG No. 30/15.04.2016, in force as of 15.04.2016)*

#### **Article 28f**

*(Repeal - SG No. 30/15.04.2016, in force as of 15.04.2016)*

#### **Article 28g**

*(Repeal - SG No. 30/15.04.2016, in force as of 15.04.2016)*

#### **Article 28h**

*(Repeal - SG No. 30/15.04.2016, in force as of 15.04.2016)*

#### **Article 28i**

*(Repeal - SG No. 30/15.04.2016, in force as of 15.04.2016)*

#### **Chapter Five**



## **CONSTRUCTION, REPAIR, MAINTENANCE AND SAFETY MANAGEMENT OF THE ROAD INFRASTRUCTURE**

*(Title Last Amendment, SG No. 39/2011)*

### **Article 29**

*(Last Amendment, SG No. 64/2006, SG No. 69/2008)*

The Agency and the municipalities shall maintain the republican and municipal roads with due consideration for their importance, the relevant traffic requirements and the protection of the environment.

### **Article 30**

*(Last Amendment - SG No. 30/15.04.2016, in force as of 15.04.2016)*

(1) *(Last Amendment, SG No. 69/2008)* The Agency shall pursue the activities pertaining to the construction, repair and maintenance of the republican roads.

(2) *(Repeal - SG No. 30/15.04.2016, in force as of 15.04.2016)*

(3) *(Last Amendment - SG No.10/06.02.2015, in force as of 06.02.2015)* The Agency and the municipalities shall carry out jointly and by mutual agreement activities pertaining to the construction, maintenance and repair of the republican roads within city limits on terms described in the regulation on the implementation of this Act.

(4) *(Former par. (3), SG, No. 55/2011)* The construction, repair and maintenance of underground facilities, sidewalks, bicycle lanes, parking lots, pedestrian underpasses, lighting and vegetation pertaining to the republican roads inside city limits shall be the responsibility of the appropriate municipalities.

(5) *(New - SG No.10/06.02.2015, in force as of 06.02.2015)* The agency carries out repair works and winter maintenance of the republican roads within the urbanized territories for settlements with population up to 100 000 persons.

(6) *(New - SG No.10/06.02.2015, in force as of 06.02.2015)* In case mutual agreement is reached between the Agency and the municipalities, the activities under Par. (5) may be carried out jointly by them under the terms and conditions of the Rules on application of this Act.

### **Article 31**

The construction, repair and maintenance of municipal roads shall be the responsibility of the municipalities

### **Article 32**

The construction, repair and maintenance of private roads shall be the responsibility of their owners.

### **Article 33**

The moving of roads or sections thereof in connection with the construction or reconstruction of new or existing facilities shall be at the expense of the investor of those projects.

### **Article 34**

The construction, reconstruction and repair of crossings and ramps shall be carried out as follows:

1. of new ramps and crossings: at the expense of the owners of the new roads;
2. of existing ramps and crossings: jointly by the owners of the main and secondary roads and the allocation of costs among them shall be established by the regulation on the implementation of this Act;
3. of the road links to the service areas: by the owners of these areas.

### **Article 35**

*(Last Amendment, SG No. 88/2005)*

The construction and maintenance of railroad crossings of roads shall be carried out under a regulation issued by the Minister of Regional Development and Public Works and the Minister of Transport, Information Technology and Communications.

### **Article 36**

*(Last Amendment - SG No.98/ 2014, in force as of 28.11.2014)*

The design, construction, repair and maintenance of the roads shall comply with all relevant technical norms and rules that are contained in regulations issued by the Minister of Regional Development and Public Works.

**Article 36a**

*(Repeal, SG No. 39/2011)*

**Article 36b**

*(New, SG No. 39/2011)*

(1) The management of the road infrastructure safety shall mandatorily include the following procedures: road safety impact assessment, road safety audit, road network safety management and periodical safety inspections assigned by or carried out by the Agency.

(2) The procedures related to the road infrastructure safety management shall be applied to the Republican roads (highways and I-st and II-nd class roads) which are part of the Trans-European road network on the territory of the Republic of Bulgaria regardless of the fact whether such roads are at the stage of planning, design, construction or operation.

(3) The administrations in charge of a relevant road may apply the requirements of Par. 1 with respect to the Republican roads which are not part of the Trans-European road network on the territory of the Republic of Bulgaria, as well as with respect to municipal roads.

**Article 36c**

*(New, SG No. 39/2011)*

The road safety impact assessment related to infrastructure projects shall be mandatorily carried out at the planning stage before the approval of the relevant road infrastructure investment project or of a substantial change in the existing road network. The road safety impact assessment shall include conducting of strategic comparative analysis of the impact of a new road or of a substantial change in the existing road network on the road network safety.

**Article 36d**

*(New, SG No. 39/2011, in force as of 01.07.2012)*

The audit for complete safety of an infrastructure project shall be an inseparable part of the process of investment design thereof and shall be mandatorily carried out during the following stages: before the coordination and approval of an investment project – as a preliminary design and/or technical/working draft, putting the road into test operation and initial operation of the road.

**Article 36e**

*(New, SG No. 39/2011)*

(1) The road safety auditor must comply with the following requirements:

1. to have a diploma from an accredited higher education school with "construction engineer" qualification;
2. to have passed training in road safety according to a program approved by the Minister of Regional Development **and Public Works** and the Minister of Transport, Information Technology and Communications;
3. to have a certificate for professional qualification issued by a higher education school accredited pursuant to the Higher Education Act and conducting education for "construction engineer" specialists on the basis of the training acquired pursuant to item 2 and successfully passed exam.

(2) The auditor under Par. 1 is not entitled to conduct audit of infrastructure projects where he/she has participated in its planning, design, construction and operation.

(3) Road safety auditors shall pass periodic courses for additional training under terms and procedure set forth by an ordinance of the Minister of Regional Development and Public Works in coordination with the Minister of Transport, Information Technology and Communications and the Minister of Interior.

(4) The scope and content of the road safety impact assessment and road safety audit, the terms and procedure for carrying out thereof and for acquiring and recognizing the professional qualification of road safety auditors shall be set forth by the ordinance under Par. 3.

#### **Article 36f**

*(New, SG No. 39/2011)*

(1) The road safety auditor shall check up the compliance of all project characteristics of the infrastructure project with the road safety requirements at every stage pursuant to Art. 36d.

(2) Where during the check-up at the relevant stage under Par. 1 it is established that the project characteristics of the infrastructure project are in compliance with the road safety requirements, the auditor shall prepare a report and certify by its signature the project and/or executive documentation.

(3) When during the check-up at the relevant stage under Par. 1 it is established that the project characteristics of the infrastructure project are not in compliance with the road safety requirements, the auditor shall prepare a report designating the dangerous and/or critical characteristics of the project.

(4) The assignor shall be responsible for eliminating the dangerous and/or critical characteristics of the project before the end of the relevant stage.

(5) The existence of the preconditions under Par. 2 is considered as grounds for approval of projects and for putting of the construction into operation under the Spatial Planning Act.

#### **Article 36g**

*(New – SG No. 39/2011)*

(1) Before the conclusion of an audit contract the auditor shall insure its professional liability with respect to a specific site against damages caused to participants in the construction and/or to third persons by illegal acts or omissions of acts during the exercise of its duties or in connection to such duties.

(2) The insurance shall encompass the period of audit contract and, in case of extension of the audit contract, shall be renewed until the conclusion of the audit contract. The non-renewal of insurance shall be considered by the assignor as grounds for suspension of payments due to the auditor or for termination of the audit contract.

(3) The terms and procedure for mandatory insurance of auditors under Par. 1, including insurance coverage, exempted risks, minimal insurance sums and premiums shall be set forth by an ordinance of the Council of Ministers.

#### **Article 36h**

*(New, SG No. 39/2011)*

(1) The Road Infrastructure Agency by its territorial units and the relevant road traffic safety control services with the Ministry of Interior shall identify and render safe the road sections with high concentration of road traffic accidents on annual basis.

(2) The authorities under Par. 1 shall carry out categorization of road sections with high concentration of road traffic accidents and of road infrastructure safety at least once in three years on the basis of a three-year analysis of all inspections conducted in the course of operation of the road infrastructure.

(3) The terms, procedure and criteria for identifying and rendering safe of road sections with high concentration of road traffic accidents and for classifying road infrastructure safety shall be set forth by the ordinance under Art. 14 (2) of the Road Traffic Act. The ordinance shall also set forth the requirements to the statement drawn up by the control services with the Ministry of Interior in case of road traffic accidents occurring on the road infrastructure and resulting in death.

(4) Road participants with higher priority according to the list drawn up as a result of the categorization of the road infrastructure with high concentration of road traffic accidents and road network safety shall be evaluated by expert teams during on-site inspections where at

least one member of the expert team shall meet the requirements under Art. 36d (1) and (2).

#### **Article 36i**

*(New, SG No. 39/2011)*

(1) The Road Infrastructure Agency through its regional road administrations shall carry out periodic inspections of roads under operation with the aim of identifying the characteristics related to road safety and prevention of accidents, as well as of studying the potential impact of road renovation works on road stream safety. Such inspections shall be carried out at least two times a year in order to guarantee sufficient levels of safety at a specific road infrastructure.

(2) The terms and procedure for establishment of traffic safety organization during ongoing construction and mounting works on the road infrastructure, the type and manner of putting road marking, road signs, traffic lights and other means of signalization shall be set forth by the ordinance under Art. 3 (3) of the Road Traffic Act.

(3) The terms and procedure for use of traffic lights, road signs, road marking and other means of signalization during the organization of traffic on roads open for public use shall be set forth by the ordinance under Art. 14 (1) of the Road Traffic Act.

(4) The control over the activities under Par. 2 shall be carried out by authorized officials from the control services with the Ministry of Interior and the Road Infrastructure Agency.

#### **Chapter Six**

#### **EXPROPRIATION AND TEMPORARY USE OF REAL ESTATE FOR BUILDING ROADS**

#### **Article 37**

*(Last Amendment, SG No. 19/2011, in force as of 09.04.2011)*

(1) Any real estate owned by natural persons or corporate bodies that is needed for the construction or reconstruction of republican roads may be expropriated under the terms of the State Property Act, or where such property is expropriated for building municipal roads, under the Municipal Property Act.

(2) *(Last Amendment, SG No. 19/2011, in force as of 09.04.2011)* The legal status of farm land that is needed for the construction or reconstruction of roads may be amended under the Preservation of Farm Land Act or under the Forests Act, if forest territories are affected.

(3) Property falling within city limits may be expropriated under the applicable law.

#### **Article 38**

*(Last Amendment - SG No. 30/15.04.2016, in force as of 15.04.2016)*

(1) Land outside of city limits which is the property of natural persons or corporate bodies may be used temporarily to meet needs resulting from the construction, repair or maintenance of national and municipal roads under the provisions of the Obligations and Contracts Act.

(2) Temporary use of farm land under Paragraph 1 shall be regulated under the Preservation of Farm Land Act and the regulation on its implementation.

(3) *(Last Amendment, SG No. 19/2011, in force as of 09.04.2011)* Temporary use of forest territories under Paragraph 1 shall be regulated under the Forests Act.

(4) For the purpose of the temporary use of land under Paragraph 1, the owner shall conclude a contract with:

1. *(Last Amendment - SG No. 30/15.04.2016, in force as of 15.04.2016)* the Managing Board of the Agency or by an official from the Agency - for republican roads;

2. the mayor of the municipality concerned, for municipal roads.

(5) The contract under Paragraph 4 shall establish the terms and duration of the use of the land, the amount of the lease and any other compensation if such is due.

(6) Temporary use of land under Paragraph 1 may not exceed five years and all land shall thereafter be returned to its owner restored in a form suitable for its original use.

#### **Article 39**

*(Last Amendment, SG No. 75/2009)*

(1) In the event of natural disasters and accidents where road traffic is disrupted and it is necessary to build a detour road, land may be taken for temporary use prior to the commencement of the procedure under Article 38.

(2) *(Last Amendment, SG No. 75/2009)* Temporary occupation of land under paragraph 1 may occur by decision of the Managing Board of the Agency or by order of a person from the Agency duly authorized thereby, for republican roads, or the mayor, for municipal roads, and owners of the land shall receive compensation.

#### **Article 40**

*(Last Amendment - SG No. 30/15.04.2016, in force as of 15.04.2016)*

(1) Monetary compensation for lands that are expropriated or are subject to temporary use shall be paid by the investor if a new road is being built, or by the owner of the road in the case of reconstruction or repair of an existing road.

(2) *(Last Amendment - SG No. 30/15.04.2016, in force as of 15.04.2016)* The compensation under Article 37 (1) for real estate expropriated for the needs of the Republican roads falling within city limits shall be paid jointly by the Agency and the municipality in that part which lies under the traffic lanes. Compensation for the part of the land lying outside of the traffic lanes shall be paid by the appropriate municipality.

(3) *(Last Amendment, SG No. 19/2011, in force as of 09.04.2011)* Compensation shall not be due for the expropriation or temporary use of land which is the property of the state when it is used for the needs of the Republican roads, with the exception of forest territories - state properties, and for the expropriation or temporary use of municipally-owned lands, when used for the needs of municipal roads.

#### **Article 41**

Owners or lessees of real estate located at levels lower than that of the earth lane shall ensure the normal functioning of water draining systems.

#### **Article 42**

Snow barriers and equipment may be placed temporarily in lands neighboring on road sections that are subject to intensive snow drifts pursuant to the provisions in Article 38.

### **Chapter Seven**

#### **FUNDING**

#### **Article 43**

(1) The building, reconstruction, repair and maintenance of national and municipal roads shall be funded with funds from the national budget, the budgets of the municipalities, from special allocations and from loans from international financial institutions.

(2) The budgetary funds for financing the activities under Paragraph 1 shall be allocated by the state budget act for the respective year.

#### **Article 44**

*(Last Amendment, SG No. 69/2008)*

(1) The sources for financing the Agency shall be:

1. state budget subsidies and transfers, provided annually in the State Budget Act of Republic of Bulgaria for the respective year;
2. fees collected under Articles 10 and 18, Paragraph 3, item 1;
3. interest;
4. donations, aid and other funding from domestic and foreign natural persons and corporate bodies.
5. other funds, set forth by an Act of Parliament or Regulation by the Council of Ministers.

(2) *(Amended, SG No. 69/2008)* The fund as per Paragraph 1 shall be spent on:

1. building new road infrastructure;
2. operation, maintenance, repair, and reconstruction of Republican roads;
3. *(Amended, SG No. 69/2008)* administrative and management expenses, related to the activities of the Agency.

#### **Article 44a**

*(Last Amendment - SG No. 101/22.12.2015, in force as of 22.12.2015)*

**Article 44b**

(1) *(Last Amendment - SG No. 101/22.12.2015, in force as of 22.12.2015)* The revenues collected from tolls under this Act shall be registered as revenues of the budget of the Agency.

(2) *(Repeal, SG No. 108/2006)*

(3) *(Repeal - SG No. 101/22.12.2015, in force as of 22.12.2015)*

**Article 44c**

*(Repeal - SG No. 101/22.12.2015, in force as of 22.12.2015)*

**Article 44d**

*(Repeal, SG No. 108/2006)*

**Article 44e**

*(Repeal, SG No. 64/2006)*

**Article 44f**

*(Repeal, SG No. 64/2006)*

**Article 44g**

*(Repeal, SG No. 64/2006)*

**Article 44h**

*(Repeal, SG No. 64/2006)*

**Article 45**

*(Repealed, SG No. 112/2003)*

**Article 46**

*(Repealed, SG No. 112/2003)*

**Article 47**

*(Repealed, SG No. 112/2003)*

**Article 48**

*(Repealed, SG No. 112/2003)*

**Article 49**

*(Last Amendment, SG No. 69/2008)*

The budget of the Agency shall be expended to cover costs by observing the following priorities:

1. payment of the Bulgarian share in the funding of projects based on international agreements to which the Republic of Bulgaria is a party.
2. payment of capital, interest and fees on loans from international financial institutions under item 1;
3. *(Last Amendment, SG No. 64/2006, SG No. 69/2008)* redemption of capital, interest and fees on domestic loans, received by the Agency.
4. *(Last Amendment, SG No. 69/2008)* construction, repair and maintenance of the Republican roads, including the places of intersection with the railroad infrastructure;
5. construction, repair and maintenance of the municipal roads;
6. research and design pursuant to items 4 and 5;
7. national and municipal programs for improving safety of traffic on the national and municipal roads.

**Article 50**

*(Last Amendment, SG No. 39/2011)*

(1) *(Last Amendment, SG No. 75/2009)*

(2) *(Last Amendment, SG No. 39/2011)* The construction, renovation and maintenance of municipal roads shall be financed by municipally owned budget funds, target subsidies from the central budget and other sources.

(3) *(New, SG No. 39/2011)* The municipalities shall finance programs for raising traffic safety on municipal roads.

**Article 51**

Private roads shall be funded by their owners.

**Chapter Eight**  
**PENAL ADMINISTRATIVE PROVISIONS**  
**Article 52**

(1) *(Last Amendment, SG No. 43/2008)* Any natural person who commits or causes the commission of any of the acts described below within the scope of a road shall be subject to fines amounting from 200 to 500 BGN, as follows:

1. cutting trees and bushes, mowing grass and picking fruit without the authorization of the authority which manages the road;
2. grazing cattle and burning vegetation;
3. operation of soiled vehicles;
4. transportation of wet cargo which leaks onto the travel lane;
5. transportation of bulk material in inappropriate vehicles that permit spillage onto the road;
6. placement and storage of materials not related to the operation of the road;
7. towing of trees and other objects;
8. operation of chain equipment, unless used for snow removal.

(2) *(Last Amendment, SG No. 43/2008)* Second-time offenders of the provisions contained in Paragraph 1 shall be subject to fines amounting from 500 to 1000 BGN.

**Article 53**

*(Last Amendment, SG No. 55/2011)*

(1) *(Last Amendment, SG No. 55/2011)* Unless the act sustains a criminal offense, a fine of BGN 1000 to 5000 shall be imposed on natural persons who have violated the provisions of Articles 25, 26 Par. 1, Item 1, litterae "c" and "d", Item 2, Pars. 2 and 5 and Art. 41 or have committed or ordered the commission of the following activities:

1. damage or destruction of the road, road equipment or road accessories;
2. operation of oversized vehicles or extra heavy loads without the authorization of the owner or the authority managing the road;
3. spillage of substances harmful to people and the environment;
4. carrying out within the scope of the road:
  - a) activities that are hazardous to traffic, or result in inappropriate use of the roads;
  - b) activities that cause disruption, detour or stopping of traffic;
5. carrying out within the scope of the road without the authorization of the owner or the authority managing the road:
  - a) *(Last Amendment, SG No. 39/2011)* construction and repair work on the roads;
  - b) installation of new and repair of existing telephone, telegraph, power and cable lines, supply pipelines, irrigation and other canals;
  - c) *(Repeal, SG No. 39/2011)*.
  - d) *(Repeal, SG No. 39/2011)*;
6. operation of quarries within a distance of 300 meters of the axis of the road or within 1000 meters of bridges without the authorization of the administration managing the road.

(2) *(Last Amendment, SG No. 39/2011)* Second-time offenders of the provisions under Paragraph 1 shall be subject to fines amounting from 2000 to 7000 BGN.

(3) If it should find violations under Paragraph 1, items 4 and 5, the authority managing the road shall send notice in writing to the regional directorate for national building control requesting the halting forthwith of all construction work on the terms established by law.

**Article 54**

*(Last Amendment, SG No. 39/2011)*

(1) *(Last Amendment, SG No. 39/2011)* In case of violations under Article 52, legal persons and sole traders shall be subject to property sanction from BGN 1000 to 5000, and in case of violations under Art. 53 – from BGN 3000 to 8000.

(2) *(Last Amendment, SG No. 39/2011)* In case of repeated violation under Art. 52, the property sanction shall be from BGN 2000 to 7000, and in case of repeated violation under Art. 53 – from BGN 4000 to 12 000.

(3) Employers shall be held liable jointly with their employees for damage caused by the latter.

#### **Article 55**

*(Last Amendment, SG No. 6/2004, SG No. 43/2008)*

All unpaid fees under Article 10 and those under Article 18 with the exception of the vignette tolls shall be collected by the territorial units of the State Receivables Agency together with the interest that may be due under the Interest on Taxes, Charges and Other Similar State Receivables Act in the manner provided for in the Tax and Social Security Proceedings Code.

#### **Article 55a**

*(New - SG No.16/2014)*

(1) A person which omits or presents false data in a declaration under Art. 24 (4), pt. 7 is subject to fine or respectively sanction of BGN 1 000 to 3 000, if not subject to heavier sanction.

(2) In case of repeated violation under Par. (1) the fine, respectively the sanction is BGN 2000 to 6000.

#### **Article 56**

*(Last Amendment, SG No. 75/2009)*

(1) The finding of violations, and the issuing, appeal and execution of penal ordinances shall be carried out under the Administrative Violations and Penalties Act.

(2) Violations shall be established by statements of findings completed by:

1. *(Last Amendment, SG No. 75/2009)* Officials of the Road Infrastructure Agency and of the Customs Agency for violations affecting republican roads;

2. officials appointed by the mayors of municipalities, for violations affecting municipal roads and at the request of owners, for violations affecting private roads.

(3) Penal ordinances shall be issued by:

1. *(Last Amendment, SG No. 75/2009)* for the republican roads: by the Managing Board of the Agency or a person from the Agency duly authorized thereby, respectively by the Director of the Customs Agency or a person from the Agency duly authorized thereby;

2. for the municipal and private roads: by the mayor of the respective municipality or an official duly appointed by him.

(4) Where a violation is found that may constitute a crime, all papers pertaining thereto shall be handed over to the prosecutor for initiation of criminal procedure.

#### **Article 57**

(1) In the cases of violations under Article 52, Paragraph 1 and Article 53, Paragraph 1, a part from the imposed sanctions, violators shall be required to eliminate all consequences of the violation within a specified period of time.

(2) *(Last Amendment, SG No. 59/2007)* In the event of failure to comply with the provision contained in Paragraph (1), the authority managing the road shall repair the consequences of the violation at the expense of the offender. In respect of the receivable thereof from the offender, the administration shall have the option to move for the issuance of an immediate enforcement order according to the procedure established by Article 418 of the Code of Civil Procedure on the basis of an abstract of the books of account of the said administration.

(3) *(New, SG No. 43/2008)* The cost of the work carried out for eradication of the consequences of the violation is determined with accounting documents and/or excerpts from the book of accounts.

(4) *(New, SG No. 6/2004, renumbered from Paragraph 3, SG No. 43/2008)* If activities which are described in this Act as special use of roads are conducted without authorization by the owner of the road or the administration which manages that road and also for failure to pay appropriate fees, the following penalties shall be imposed:



1. *(Last Amendment, SG No. 43/2008)* in the event of construction work without proper authorization, the owner or the administration that manage the road in cooperation with the bodies of the Ministry of Interior shall apply, apart from the measures described in Paragraphs 1 and 2 of Article 56, termination of access to the construction site or dismantling of the advertising or other equipment within the scope or the restrictive construction line;
2. *(Last Amendment, SG No. 43/2008)* where construction has been carried out without proper authorization, the administration that manages the road shall terminate access to the site or dismantle the facility.
3. *(Last Amendment, SG No. 43/2008)* If payment of the annual fees due under Article 18, paragraph 3 is delayed and the authorized special use of the road continues, the administration managing the road shall revoke the license and terminate access to the site or dismantle the respective advertising or other equipment at the expense of the violating party.
4. *(Last Amendment, SG No. 64/2006, No. 43/2008, SG No. 69/2008)* the advertising or other facilities thus dismantled shall be retained by the district road administrations. If the owner of these facilities fails to claim them or to provide the remedy required under this Act within one month from the date of dismantling, the said facilities shall become the property of the Agency.
- (5) *(New, SG No. 43/2008)* The dismantled and stored in the district road administrations advertising and other facilities if claimed within the period as per Paragraph 4, item 4 are returned to the interested person upon payment of the dismantling and storage costs and the sanction provided.

### **Article 58**

*(Repeal, SG No. 112/23.12.2003);*

### **SUPPLEMENTARY PROVISIONS**

**§ 1.** *(Last Amendment, SG No. 39/2011)* For the purposes of this Act:

1. A "road" shall be a strip of the surface of earth that has been adapted for the use of motor vehicles and pedestrians and complies with certain technical criteria.
2. "Earth lane" shall be the part of the surface within the scope of the road which shall accommodate the travel lane/s; dividing strips; side roads; sidewalks; dividing and directing facilities; grass areas, water removal facilities and safety ditches; declivity, slope and other structural elements of the road.
3. "Road facilities" shall be water removal ditches, bridges, viaducts, ramps, overpasses, underpasses, tunnels, supporting and decorative walls, draining facilities and purification facilities.
4. *(Amended, SG No. 6/2004)* "Road accessories" shall be the depots for maintenance of Republican roads, road signs, road marking, traffic lights, emergency phone booths, roadside vegetation, emergency parking areas, roadside rest areas, roadside power supply and lighting equipment and the plots on which they are located, safety fences, marker stones, snow barriers and any other technical means for directing and facilitating traffic.
5. *(Amended, SG No. 88/2000)* "Construction restriction line" shall be the line that shall be drawn on both sides of the road to establish an area where all kinds of construction work are subject to license.
6. "Service zone" shall be that part of the earth's surface outside of the edge of the scope of the road where properties may be used by their owners or by the persons granted user rights under special license.
7. "Public use of roads" shall be the common use of roads for the transportation of passengers and goods using common vehicles, or use by pedestrians.
8. *(Amended, SG No. 6/2004)* "Special use of roads" shall be the use of roads for transporting extra heavy or oversize loads or for carrying out other activities within the scope of the roads or service areas such as construction and operation of roadside retail outlets

and the road links leading thereto, sites for roadside assistance and road links leading thereto, the building and operation of advertising facilities, building and repair of underground and overhead facilities and separate stand-alone equipment as well as their use within the scope of the road, temporary use of the traffic lane and land within the scope of the road by other persons.

9. "Roadside service facilities": shall be all earth surfaces located close to the roads with all premises and equipment located therein and used for providing services to motorists and road vehicles, such as rest areas, camping lots, motels, gas stations, restaurants, stores, service stations and towing stations.

10. "Maintenance support station" shall be a building contained in a lot outside of the scope of the road used by the administrations of the road authorities for any operations pertaining to the maintenance of the republican roads.

11. "Construction of roads" shall be an activity resulting in the creation of new materials assets which shall include surveying, design and construction of new or reconstruction of existing roads.

12. "Reconstruction of roads" shall be any activity pertaining to the expansion and upgrading of existing material assets that shall include the overhaul of the road and road facilities by maintaining the direction of the existing route.

13. "Repair of the roads" shall be any activity pertaining to the restoration or improvement of the operational parameters of the roads and the enhancement of the roads to conform to traffic requirements.

14. "Maintenance of roads" shall be any activity pertaining to the provision of the necessary conditions for insuring continues, safe, and convenient traffic year long, avoidance of early amortization of roads, ensuring the safety and protection of the roads, and monitoring the technical condition of the roads.

15. "General activities pertaining to roads" shall be the construction, repair and maintenance of roads, as well as any activity related to the development and updating of the regulations concerning roads, the toll and fee policy and research in the area of roads.

16. "Second-time violation" shall be any violation committed within one year of the entry into effect of a penal ordinance issued to the offender for a similar violation.

17. *(New, SG No. 88/2000)* "Stabilized curb lane" shall be a curb lane covered with such material as would prevent grass from growing on it.

18. *(New, SG No. 43/2008)* The concession toll is a toll collected by the concessioner in accordance with the Concession Contract.

19. *(New, SG No. 43/2008)* A vehicle with ecologic category "EURO 0", "EURO I", "EURO II", "EURO III", "EURO IV", "EURO V", "EEV" is a vehicle that meets the limitations for emissions according to Annex No. 2.

20. *(New, SG No. 43/2008)* "Trans-European Road Network" has been defined in Part 2 of Annex No. 1 to Decision 1692/96/EC of the European Parliament and the Council regarding the Community Guidelines for building the Trans-European Transport Network, supplemented with the Council Regulation 1791/2006.

21. *(New, SG No. 39/2011)* „Infrastructure project" shall be a project for construction of new road infrastructure or for substantial change (reconstruction, overhaul/rehabilitation) of existing road network having impact on the road stream.

22. *(New, SG No. 39/2011)* „Road safety impact assessment" shall be a strategic comparative analysis of the impact of a new road or a substantial change of existing road network on the road network safety.

23. *(New, SG No. 39/2011)* „Road safety audit" shall be an independent, detailed systematic check-up of the technical safety related to the project characteristics of a road infrastructure project which encompasses all stages from planning to initial operation.

24. (New, SG No. 39/2011) „Test operation" shall be the necessary technological period of up to one month before putting the road into operation aimed at checking up of project characteristics.

25. (New, SG No. 39/2011) „Initial operation" shall be the necessary technological period of up to one month after putting of the road into operation aimed at checking up of project characteristics under operating conditions.

26. (New, SG No. 39/2011) „Categorization of road sections with high concentration of road traffic accidents" shall be a method for identification, analysis and categorization of sections of the road infrastructure with high concentration of road traffic accidents which have been under operation for more than three years and where a great number of accidents resulting in death have occurred in proportion to the road stream.

27. (New, SG No. 39/2011) „Categorization of road infrastructure safety" shall be a method for identification, analysis and classification of sections of the existing road network through targeted investments in the road sections with highest concentration of accidents and/or where the proportion of benefits and costs is the highest (with the highest potential) in order to decrease the number of accidents.

28. (New, SG No. 39/2011) „Safety inspection" shall be the customary periodic check-up of the characteristics and disadvantages requiring maintenance works due to safety concerns.

29. (New, SG No. 39/2011) „Road safety" shall be the sum of all project and operation characteristics of the Republican road infrastructure ensuring the safety of all participants in traffic.

30. (New, SG No. 39/2011) „Persons or people raising permanently disabled children up to eighteen years of age and until the completion of secondary education thereof but not later than twenty years of age" shall be:

a) parent/parents (adoptive parent/adoptive parents);

b) family of relatives and close friends or host family where the children have been accommodated under the procedure provided for in Art. 26 of the Child Protection Act;

c) guardian or custodian in case both parents are unknown, dead or deprived of parental rights.

**§ 2.** (Repeal, SG No. 112/23. 12. 2003).

### **TRANSITIONAL AND CONCLUDING PROVISIONS**

**§ 3.** This Act shall repeal the Roads Act (*promulgated State Gazette No. 93/1969, amended No. 37/1978, No. 35/1996, No. 87/1997, No. 33/1998, No. 147/1998, and No. 61/1999*).

**§ 4.** In § 7, item 4 of the Transitional and Concluding Provisions of the Local Self-Government and Local Administration Act (*promulgated State Gazette No. 77/1991, amended No. 24, 49, and 65/1995, 90/1996, 122/1997, 33, 130, 154/1998, 67 and 69/1999*) the word "local" shall be replaced with "municipal".

**§ 5.** In Article 2, Paragraph 1, item 5 of the Municipal Property Act (*promulgated State Gazette No. 44/1996, amended No. 104/1996, 55/1997, 22, 93/1998, 23, 56, 64, 67, 69, and 96/1999*) the word "local" shall be replaced with "municipal".

**§ 6.** The Republican Road Network Fund established by the Act on the Fees on Liquid Fuels for the Purposes of the Republican Road Network Fund and the National Fund for the Conservation of the Environment shall be terminated. All funds available therein shall be transferred to the Republican Road System Fund on the budget of the Roads Executive Agency.

**§ 7.** The Act on Fees on Liquid Fuels for the Republican Road Network Fund and the National Fund for the Conservation of the Environment (*promulgated State Gazette No. 16/1996, amended No. 104/1996, 51, 87/1997, 147/1998, 26 and 61/1999*) shall be amended as follows:

1. The title shall be amended to read: Act on the Fees on Liquid Fuels for the National Fund for the Conservation of the Environment.

2. Article 1 shall be amended as follows:

a) Paragraph 1 shall be repealed.

b) Paragraph 3 shall be amended as follows:

"(3) Thirty per cent of the fees collected under this Act in the National Fund for the Conservation of the Environment shall be expended in mountain regions for funding approved environmental projects."

c) Paragraphs 4, 4a, and 6 shall be repealed.

3. Articles 3 and 4 shall be amended as follows:

"Article 3. The producers and importers of liquid fuels shall calculate fees which shall be deposited in the National Fund for the Conservation of the Environment in the following amounts:

1. unleaded gasoline: 24 BGN per ton;

2. diesel fuel: 14 BGN per ton;

3. heating oil containing over 1% of sulphur: 22 BGN per ton;

4. leaded gasoline as follows:

a) A - 91: 37 BGN per ton;

b) A-98: 48 BGN per ton;

5. industrial fuel: 13 BGN per ton.

Article 4. (1) Producers of gasoline, diesel fuel, industrial fuel, heating oil with over 1% of sulphur content shall calculate the fees under this Act for all quantities sold by them inside the country.

(2) The importers of liquid fuels under Paragraph 1, shall deposit in the National Fund for the Conservation of the Environment or shall deposit bonds in the full amount the fees collectable under this Act prior to the customs clearance of these fuels.

(3) The customs authorities shall monitor compliance with the provisions of Paragraph 2.

(4) The producers of liquid fuels may make deliveries only to such customers who have deposited the fees in the accounts of the National Fund for the Conservation of the Environment.

(5) The buyers of liquid fuels under Paragraph 1 shall deposit all due fees in the account of the National Fund for the Conservation of the Environment prior to receiving deliveries."

4. Articles 7 and 8 shall be amended as follows:

"Article 7. (1) The statement of findings pertaining to administrative violations shall be completed by officials duly appointed by the Minister of the Environment and Waters.

(2) Penal ordinances shall be issued by the Minister of the Environment and Waters or by an official duly appointed by him.

(3) The finding of violations, and the issuing, appeal and execution of penal ordinances shall be carried out under the Administrative Violations and Penalties Act.

Article 8. All fines and property sanctions collected under Article 6, Paragraph 2 shall be deposited in the National Fund for the Conservation of the Environment."

5. Paragraph 3 of the Transitional and Concluding Provisions shall be amended as follows:

"§ 3. The Council of Ministers shall adopt a regulation on the collection spending and management of the funds in the National Fund for the Conservation of the Environment."

**§ 8.** Article 34, Paragraph 1, of the State Property Act (*promulgated, State Gazette No. 44/1996; amended, No. 104/1996, 55, 61, 117/1997, 93, 124/1998, 67/1999, 9 and 12/2000*) shall be amended as follows:

"(1) The interested authority shall submit a motivated request to the Minister of Finance and the Minister of Regional Development and Public Works for expropriation of the property. The governor of the district where the property is located shall provide opinion on the request within 14 days."

**§ 9.** The Ownership and Use of Farm Land Act (*promulgated, State Gazette No. 35/1996; amended No. 14/2000*) shall be amended as follows:

1. The following Paragraph 6 shall be added to Article 20:

"(6) For the construction of new roads the surveying procedure and the procedure for amending the legal status of farm land may only commence after the standard study on the impact on the environment has been completed successfully and pursuant to the preliminary report of this study."

2. The following Paragraph 4 shall be added to Article 24:

"(4) For the construction of new republican roads and when an approved urban development or plot division plan is available, the proposal on the amendment of the legal status of farm land may be made simultaneously with the proposal on the approval of the final route under Article 19."

**§ 10.** The Environmental Protection Act (*promulgated, State Gazette No. 86/1991; amended No. 90/1991, 100/1992, 31 and 63/1995, 13, 85, and 86/1997, 62/1998, 12 and 67/1999*) shall be amended as follows:

1. In the annex to Article 20, Paragraph 1, item 1 Projects Subject to Assessment of the Impact on the Environment (AIE) in Chapter Four:

a) in item 26.1 the word "new" shall be added after the words "Construction of";

b) in item 26.2 the word "new" shall be added after the words "Construction of";

c) paragraph 3 shall be added to Article 23a as follows:

"(3) For the construction of roads the competent authority shall organize a discussion only of the results of the preliminary report on the impact on the environment."

**§ 11.** (*Amended, SG No. 64/2006*) The Minister of Finance, the Minister of Transport, Information Technology and Communications, and the Minister of Regional Development and Public Works shall be responsible for the implementation of this Act.

**§ 12.** The Council of Ministers shall adopt a regulation and rules on the application of this Act within six months of its entry into effect.

This Act was adopted by the XXXVIII National Assembly on March 16, 2000 and carries the Official Seal of the National Assembly.

**Annex No. 1 to Article 10, Paragraph 1, item 1**  
(*Last Amendment - SG No.16/ 2014*)

| Maximum toll amounts for the use of the infrastructure in Euro, including the administrative costs   |                     |                    |
|--|---------------------|--------------------|
| 1. Annual  |                     |                    |
|  | Maximum three axles | Minimum four axles |
| EURO 0   | 1 332               | 2 233              |
| EURO I   | 1 158               | 1 933              |
| EURO II  | 1 008               | 1 681              |
| EURO III   | 876                 | 1 461              |
| EURO IV and less contaminating   | 797                 | 1 329              |
| 2. ( <i>Last Amendment - SG No.16/ 2014</i> ) The fees for use of the road infrastructure by vehicles under Art. 10a (7), pts. 1 and 2 are proportional to the period of use which may be day, week, month or year. The monthly rate may not exceed 10% of the annual rate, the weekly rate may not exceed 5% of the annual rate, and the daily rate may not exceed 2% of the annual rate. |                     |                    |
| 3. The maximum daily toll for the use of the road infrastructure by vehicles as per Article 10a, paragraph 7, items 1 and 2 is 11 Euro.  |                     |                    |

**Annex No. 2 to § 1, item19**  
(*New, SG No. 43/2008*)

+

| Ecologic categories for motor vehicles |                          |                           |
|--|--------------------------|---------------------------|
| Vehicle EURO 0                         |                          |                           |
| Mass of the Carbon Oxide (CO), g/kWh   | Mass of the hydrocarbons | Mass of the nitric oxides |

|   |                                      |                                      |  |
|---|--------------------------------------|--------------------------------------|--|
|   |                                      | (HC), g/kWh                          | (NOx), g/kWh                           |
|   | 12,3                                 | 2,6                                  | 15,8                                   |
| Vehicle EURO I and II   |                                      |                                      |  |
|   | Mass of the Carbon Oxide (CO), g/kWh | Mass of the hydrocarbons (HC), g/kWh | Mass of the nitric oxides (NOx), g/kWh |
| Vehicle "EURO I"  | 4,9                                  | 1,23                                 | 9,0                                    |
| Vehicle "EURO II"   | 4,0                                  | 1,1                                  | 7,0                                    |
| Mass of the dust particles (PT), g/kWh  |                                      |                                      |  |
|   |                                      |                                      | 0,4 (1)                                |
|   |                                      |                                      | 0,15                                   |
| (?) The coefficient 1.7 is applied to the emission limitations for dust particles in engines with power of 85 kW or less.   |                                      |                                      |  |
| Vehicles "EURO III" / "EURO IV" / "EURO V" / "EEV"  |                                      |                                      |  |
| The specific mass of the carbon oxide, the total mass of the hydrocarbons, the nitric oxides and the dust particles, determined by an ESC test and the non-transparency of the exhaust gas, determined by an ELR test shall not exceed the following values:(?)             |                                      |                                      |  |
|   | Mass of the Carbon Oxide (CO), g/kWh | Mass of the hydrocarbons (HC), g/kWh | Mass of the nitric oxides (NOx), g/kWh |
|   |                                      |                                      | Mass of the dust particles (PT), g/kWh |
|   |                                      |                                      | Exhaust gas, m-?                       |
| EURO III  | 2,1                                  | 0,66                                 | 5,0                                    |
| EURO IV   | 1,5                                  | 0,46                                 | 3,5                                    |
| EURO V  | 1,5                                  | 0,46                                 | 2,0                                    |
| EEV   | 1,5                                  | 0,25                                 | 2,0                                    |
|   |                                      |                                      | 0,10(2)                                |
|   |                                      |                                      | 0,02                                   |
|   |                                      |                                      | 0,02                                   |
|   |                                      |                                      | 0,02                                   |
|   |                                      |                                      | 0,15                                   |
| (?) One test cycle consists of a sequence of points determined in the test where each point is determined on the grounds of velocity and driving torque when the engine is in a steady state regime (ESC test) or under transient operating conditions (ETC and ELR tests). |                                      |                                      |  |
| (?) 0,13 for engines with cylinder working volume of less than 0,7 dm <sup>3</sup> , and rated frequency of rotation exceeding 3000 min <sup>-1</sup> .   |                                      |                                      |  |